IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.3983 of 2004

Nirmala Dilip Kastiya — Petitioner
Vs.
Pune Cantonment Board & anr. — Respondents

Mr.Yatin R. Shah for petitioner.

CORAM: B.H.MARLAPALLE,J.

July 11, 2006.

P.C.

. In Regular Civil Suit No.1010 of 1997 the petitioner-plaintiff had filed an application for temporary injunction at Exhibit 5 and the same was dismissed by the learned 5th Civil Judge, Senior Division at Pune on 29/6/2002. The plaintiff, therefore, filed Misc.Civil Appeal No.416 of 2002 which came to be dismissed by the learned 3rd Extra Jt. District Judge at Pune on 26/2/2004. Hence this petition. No steps were taken for getting the petition listed for admission during the last about two years and the Suit has been pending from the year 1997. Both the Courts below are concurrent in their findings that the plaintiff failed to make out a prima facie case to issue an order of temporary injunction in her favour and the balance of convenience was not in her favour. The plaintiff was

issued notice dated 21/12/1996 under Section 185(1) of the Cantonment Act, 1924 and an appeal was preferred against the said notice on 22/1/1997 and the plaintiff was not successful in the said plaintiff. In the fresh Suit filed notice issued under Section 256 of the Act has been challenged. It would be, therefore, in the interest of the plaintiff that the Suit is decided expeditiously.

. Hence the petition is rejected summarily and the trial of RCS No.1010 of 1997 is hereby expedited.

(B.H.MARLAPALLE,J.)